G. R. S. 58]

Previous references.

File No. 16-13

1913. 14

(Legis)

Serial Nos. 1-5

Later references.

& 125-15(1-2).
to 183-24(1-2)
" 14-26 (6-7)
" 199-41 (1-2)

P-23

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for Revn

SUBJECT.

Rules under the Mysore Village Courts Regulation, 1913.

---

1. To the Regr Chf Ct J1122 of 27/9/13
Requests him to favour with a set of draft rules.
2. From the Regr Chf Ct 1806/156 of 3/11/13.
Forwards a set of draft rules.
3 to 5 To the Compiler. To the Regr Chf. & the D.C of D
Issues Rules under sections 6 & 28 of the Mysore Village Courts Regulation & forwards copies to others.

GPB—5,000—22-10-13

H.G.Thomas
24.10.14

G.R.S. 11]

1913-14

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 16-17

FILE HEADING.

Rules under the Mysore Village Courts Regn, 1913.

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—27-6-11

Extract from the 1st Council
(For original please see Legis 14-13)

× × × × ×

2. Village Courts Regulation

Please note provisions for Rules. As the Regn comes into force in January the rules should be ready soon. The Chief Court may be confidentially addressed at once.

× × × ×

2.

20 The Asst Secretary
Legis. Branch

3. Legn Please open separate files for the rules under each Regn and submit.
20 be treated as urgent.

Init'd S.P.R.
19/9/13

Serial No.

4.
Submitted by Govt
Rules have to be framed under secs: 4, 6 (1) & 28 and the forms and statements prescribed by the chief court under sec: 75.
A copy of the Bill as finally passed by the Legislative council is put up with a draft letter to the Registrar chief court requesting him to move the Judges of the chief court to favour Govt with a draft of drafts rules required.
(48)
24/9/13 NM
25

5. Dr (sd) COR 28/9

6.
Please put up a tidy draft as revised Secy 26/9

7.
Submitted with a tidy draft as ordered. SM
(48)
26/9/13 NM.

8. Dr (sd) SOR 26/9
Approved Secy very early
Secy 27/9/13

27/9/13

No J 1122 dated 27/9/13
To the Regr, chief court
Requests him to move the judges of the chief court to favour Govt

NOTE—Contn. sheet.

GPB—65,000—17-9-12.

G. R. S. 12]

General and Revenue Secretariat. | Legis. File No. 16 of 1913-14

Serial No.

with a set of draft rules to be issued under secs: 4, 6(1) and 28 of the Regn.

2 No 1806/1356 dated 3/11/13 from the Regr, chief Court of Mysore forwards a set of draft rules and states that the forms &c to be issued under sec: 75 are also ready

18 Subd: with a copy of the Regn.

(48) 18/11/13

11 Please put up a copy of The Madras Rules.

12 18/11

Page 23 of Vol. II. (Flag C) Subd with the Local Rules and orders in the Madras Presidency Vol. II and a copy of the Madras Act

(48) 21/11/13

13 The draft rules are taken from the rules in force in the Madras Pres.y

14. In Rule 1, the expression 'Head of the village' is used. Such an office is not recognised in the village Offices Regn and hence the word 'Patel' may be substituted for it. The 'Head

NOTE—Contn. sheet.

GPB—65,000—17-3-12.

Serial No.

of the Village was used in some old orders + is not recognised in the V.O. Regn

15 It is a point for consideration whether it is not necessary to lay down that only literate patels shall be appointed Village munsiffs. No doubt Govt have ordered that illiteracy will be a disqualification in claimants to Patēli offices; but it is understood that there are illiterate persons doing Patēli duties in Express ruling that illiteracy disqualifies a person for appointment as V.M. seems desirable.

16 In the same rule, provision is made for the appointment of persons other than "heads of villages" who possess the Educational qualifications prescribed by Govt". Such qualifications have not been prescribed before + ~~has~~ it shall be done now. In Madras, the qualifications required in a candidate for the post of V.M are (1) that he must have passed the Primary School Exn or higher Examn + (2) the Village Officers' Special Test Examn. We have no Examn corresponding to the latter. It is however clear that, in the case

NOTE—Contn. sheet.

SPB—65,000—17-6-12.

C R. S. 12]

General and Revenue Secretariat.

Legs. File No. 16 of 1913-14

Serial No.

of persons other than heads of villages some Edl. qualification should be insisted upon. What standard it should be is a matter for orders.

17. The other draft rules may be approved.

18. Submit for orders.

Dy Secy)

SDR 22/11

NOTE—Contn. sheet.

GPB—60,000—7-11-13

P.T.O.

General and Revenue Secretariat. Legis File No. 16 of 1913-14

Serial No.

19 The draft rules proposed by the Chief Court are mainly based upon the Madras Rules. The following amendments of the draft rules seem to deserve consideration. -

20 Rule 1:- (i) Substitute "patel" for "head of the village" in 3 places, as the latter expression is not in vogue in Mysore.

(ii) Insert "literacy" as the educational qualification needed for the office of village Munsiff in the interests of efficiency and justi

(iii) Omit from "who resides ....." up to "prescribed by Government".- Residence in jurisdiction is prescribed in section 4 of the Regul tion itself and no educational qu lifications beyond literacy seem to be necessary at the initial stage of the experiment.

20(Please see pencil amendments suggested in the draft.)

21 Rule II (a):- (i) Substitute "these" for "those in line 4 to make the reference clear.

(ii) Insert "actual" before number of names" in line 4 to render the sense

NOTE—Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat. | File No. of 191

Serial No.

sense clear.

22. Rule II (b) (i) Substitute "Assistant Commissioner " for "Divisional Officer" as the former is the recognised expression in Mysore.

(ii) Substitute "Sub Division" for "Division" (as per Land Revenue Code).

(iii) Add "or Deputy Commissioner in charge" after "Assistant Commissioner" in line 2 as a Deputy Commissioner has often the direct charge of a revenue sub-division.

(iv) The other alterations suggested in the draft in pencil are verbal.

23. Rule II (d) (3) Substitute the words "any" for the word "a non-bailable" and the words "which in the opinion of the Deputy Commissioner disqualifies ~~hi~~ him for being included in the list" for the words "unless that conviction was reversed by some superior Court" (Please compare section 5(a) of the Tank Panchayat Regulation.)

24. 1st Comm'ner) Srinivasaraghava Rao 28/11/13

25. I have made some altera

NOTE—Contn. sheet.

GPB—60,000—7-11-18

1401 9

R. S. 12]

General and Revenue Secretariat. | Legis File No. 16 of 1913—14

Serial No.

thous and for the rules ~~&c~~ typed separately. These rules may be approved & issued.

Council Case.

31/12/13

26. (The note attached in the end of the rules is not clear and does not seem to be consistent with other parts. I have therefore cut it out).

2/~~12~~/14

27. 2nd Council)

28 The rules as drawn up may be approved & issued

13/1

29. Draft submission Note.

7128
19.1.1914

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

Submitted to His Highness.

30. I submit herewith the draft rules proposed to be issued under Sections 6 and 28 of the Mysore Village Courts Regulation, 1913.

2. The rules prepared by the Chief Court have been revised by the First Member of Council in certain respects. The Second Member and myself consider that the rules so revised may be adopted.

3. The draft rules may be graciously approved by His Highness.

M. Rangacharya
7th Feb-1914

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Draft rules under Sections 6 and 28 of the Mysore Village Courts Regulation 1913.

677

Order.

31. Approved
KRM
11/2/14

32. Secretary

33. ✓ 11.2.14 RG

34. KRM 14.2.14

35. 14/2

36. Issue 14/2

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 16 of 1913-14

Serial No.	
	37. for approval or other orders submit, a memo forwarding copies of the Rules to the Regr chief court and the D.C. commrs, added on to the approved draft rules.
Place R	
	16/2/14 MM 33 Issue
	16/2
3	Regd 3.35pm 18/2 No J2378 dated 18/2/14 to the compiler, Mysore Gazette Jmes Rules under secs: 6&28 of the Mysore Village Courts Regn.
4	5/3 J 2410 & 20/2/14 to the Registrar chief court forwards copy of the above
5	Rec'd 13/10/14 J 2411-8 & 20/2/14 to the D.C.s of Dlo. forwards copies of the above,

NOTE—Contn. sheet.

GPB—60,000—7-11-13

Confidential

G.R.S. 26]

File No. 16-13

Serial No. 1

Diary No. of letter replied to

No. J 1122

General and Revenue Secretariat

( )

, the 19 .

To

The Registrar, Chief Court of Mysore, Bangalore

Date of issue 27.9.13

Signed by M K-R. Srinivasa Iyengar

Sir

I am directed to forward herewith a copy of the Mysore Village courts Bill which has been finally passed by the Legislative council and which is about to become law and to request you to kindly move the Judges of the chief court to favour Government with a set of draft rules to be

over.

SUBJECT.

Requesting him to move the Judges of the chief court to favour Govt with a set of draft rules &c under the Mysore Village courts Bill

issued under sections 4, 6(1) and 28 of the Regns

2. I am also to invite your kind attention to the provisions of section 75 of the Bill and to request that the matter may be treated as urgent as the Regns will take effect from the 1st January 1914 and it is desirable to have the Rules, Forms and Statements &c ready before that date

I have &c.

For Secretary to Govt

27/12

List of enclosures,

Copied by 27/12

Examined by

GPB—20,000—12-8-10

No. 1806/156 Legis

3

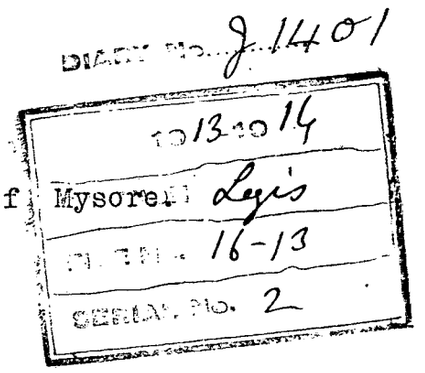
CHIEF COURT OF MYSORE,

Bangalore, dated 3rd November 1 9 1 3

3rd

From,

The REGISTRAR of the
Chief Court of Mysore.



To,

The SECRETARY to the Govt: of Mysore,
General and Revenue Departments.

S i r,

Adverting to your letter No. J. 1120/Legis. 16-13 dated the 27th September 1913, I am directed to forward a se of draft rules to be issued under Section 4,6(a) and 28 of t the Mysore Village Courts Regulation. The rules are on th lines of those in force in the Madras Presidency.

I am to add that the draft forms and returns are ready and will be issued under Section 75 as soon as the Regulation is promulgated.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

N. G.

4

DRAFT RULES

under the

MYSORE VILLAGE COURTS REGULATION, 1913.

Encl to Leg. 16-13-2

----ooOoo----

In exercise of the powers vested in them by Sections 4, 6 and 28 of the Mysore Village Courts Regulation, 1913, the Government of His Highness the Maharaja are pleased to ~~prss~~ prescribe the following rules.

I. When the local jurisdiction of the village court is conterminous with a village, the Deputy Commissioner shall appoin to be village Munsiff the person discharging the duties of the office of ~~the~~ (Patel, if literate. head of the village). The appointment shall be declared to be made for such time only as such person shall be discharging such duties. When in consequence of grouping or sub-division of villages under the Regulation the local jurisdictions are not conterminous, (or the Patel concerned is not literate,) the Deputy Commissioner may appoint to be village Munsiff of each such village court a person (other than (a head of the village (the Patel)) who resides within the jurisdiction of the village court and who possesses (any literate) the educational qualifications prescribed by Government. The Deputy Commissioner shall in such case give preference to a member of a family in which the office of (head of the village or headman) within the jurisdiction of the village court is held by heriditary right.

omit

6 M. (a) The list of persons eligible to sit upon Benches for the trial of suits under Section 6 of the Regulation shall contain not fewer than five and not more than thirty ~~xxxxy~~ names, and within these limits the actual number of names upon the list shall be in the proportion of one per cent of the population of the village or group of villages for which the Bench is constituted.

(b) The selections of persons eligible to sit upon the Bench will be made by the Assistant Commissioner or Asst. Commr. in charge (Divisional Officer) of the Revenue Sub-Division in which the village Court is situated, subject to the control of the Deputy Commissioner, and ~~the~~ list will be revised once in every three years. The removal of any ~~xx~~ name from the list will be effected in the same way as in the case of selection, by the Divisional Officer subject to the control of the Deputy Commissioner

The selection made by an Assistant Commissioner shall be

the selection of eligible persons is done.

Omit

(c) In filling up the list, preference should, if possible, be given to persons able to read and write the vernacular ~~xxxxxxx~~ language of the village.

(d) No person who is not ~~xxx~~ possessed of the following qualifications shall be selected for inclusion in the list : -

(1) He must hold land assessed at not less than Rs.10 per annum, or he must possess inam land of which the full assessment would be not less than Rs. 10/- per annum.

(2) He must be between the ages of 25 and 60.

(3) He must be of respectable character and solvent, and must not have been convicted of (a non-bailable) any offence which in the opinion of the Dy Commissioner disqualifies him for being included in the list. (unless that conviction was reversed by some superior court).

Q/

(7)

~~III~~. The following shall be the amount of fees, to be paid in the form of Court fee labels, leviable for the service of summons under Section 26 of the Regulation, upon defendants beyond the local jurisdiction of the village court, namely for each summons.

(a) to a single defendant 8 annas.

(b) To every additional defendant residing in the same village if the process be applied for at the same time 4 annas.

IV. The following fees shall be leviable for summons issued in writing under Sections 24 and 39 of the Regulation which are served otherwise than by a village servant.

(1) For every witness or defendant resident within

the

the limits of the local jurisdiction of the court - 1 anna.

(2) For every witness resident beyond the limits of the local jurisdiction of the court — 2 annas.

NOTE : - In cases where the witness resides outside the jurisdiction of the court issuing the summons or forwarding the interrogatory, a fee of 2 annas will be levied under Rule (2) above. If the village Munsiff to whom the summons is directed or the interrogatory is forwarded has a special establishment for the service of processes, the fee for serving the summons or issuing a summons to the witness to whom the interrogatory is addressed, will, under Rule (1), be one anna; this sum the said Village Munsiff can recover from the village court which issued the summons or forwarded the interrogatory. If the village Munsiff to whom the summons is directed or the interrogatory is forwarded has no special establishment the service of summons will be performed ~~gxk~~ gratuitously by the ordinary village establishment, and no fee will be ~~xax~~ recoverable from the court by which the summons was issued or the ~~interrogatory~~ interrogatory forwarded.

N. G.

REGISTRAR

12 copies 17/2

DRAFT RULES

under the

MYSORE VILLAGE COURTS REGULATION, -1913.

Notification No. J 2378 | Legis 16-13-38 | 18/2/14

---------ooOoo---------

~~Re-numbered~~ Legis 16-13-3

In exercise of the powers vested in them by Sections 4, 6 and 28 of the Mysore Village Courts Regulation, 1913, the Government of His Highness the Maharaja are pleased to prescribe the following rules.-

Rules under the Mysore Village Courts Regn, 1913.

I. No one shall be appointed a village Munsiff under the Regulation,

(1) who is not literate i.e. capable of reading and writing the Kannada language;

(2) who has not acquainted himself adequately with the contents of the Village Regulations and the rules and orders issued thereunder;

(3) who has been convicted of any offence which in the opinion of the Deputy Commissioner disqualifies him for the post; or

(4) who is, for any other reason to be recorded, ~~as~~ unfit to be entrusted with the duties.

(2) The appointment may be made tentatively or for a fixed number of years.

(3) The Patel, if qualified under the first rule, shall be preferably appointed. In default of the Patel, the Sanbog ~~s~~ shall be appointed. If neither of them ~~are~~ is fit, the Deputy Commissioner may appoint any other person whom he considers suitable.

(4) Where the area of jurisdiction is part of a village, the Patel or Sanbog of the village shall, if otherwise qualified, be placed in charge of one of the courts established in the village. Where a number of villages are grouped together, the Patel and Sanbog of each of the villages so grouped shall have a preferential claim to the appointment accordi...

to the size (as judged by population) of the village of which he is Patel or Sanbog.

(5) All orders appointing Village Munsiffs under these rules shall be subject to revision by Government.

6 (a) The list of persons eligible to sit upon Benches for the trial of suits under Section 6 of the Regulation shall contain not fewer than five and not more thar thirty names and within these limits the actual number of names upon the list shall be in the proportion of one per cent of the population of the village or group of villages for which the Bench is constituted.

(b) The selection of persons eligible to sit upon the Bench will be made by the Assistant Commissioner or Deputy Commissioner in charge of the Revenue Sub-division in which the village Court is situated. The selection made by an Assistant Commissioner shall be subject to the control of the Deputy Commisioner. The list will be revised once in every three years. The removal of any name from the list will be effected in the same way as the selection of eligible persons is done.

(c) In filling up the list, preference should, if possible, be given to persons able to read and write Kannada. ~~the vernacular language of the village.~~

(d) No person who is not possessed of the following qualifications shall be selected for inclusion in the list:-

(I) He must hold land assessed at not less than Rs IO per annum, or he must possess inam land of which the full assessment would be not less than Rs10 per annum.

(2 He must be between the ages of 25 and 60.

(3) He must be of respectable character and solvent, and must not have been convicted of any offence which, in the opinion of the Deputy Commissioner, disqualifies him from being included in the list.

The following shall be the amount of fees, to be paid

in the form of Court fee labels, leviable for the service of summon under Section 26 of the Regulation, upon defendants beyound the local jurisdiction of the village court, namely for each summons.

(a) to a single defendant, 8 annas.

(B) to every additional defendant residing in the same village, if the process be applied for at the same time, 4 annas.

8. The following fees shall be leviable for summons issued in writing under sections 24 and 39 of the Regulation which are serve otherwise than by a village servant.

(a) For every witness or defendant resident within the limits of the local jurisdiction of the court,.....1anna.

(b) For every witness resident beyond the limits of the local jurisdiction of the court,.....2 annas.

2/1/14

To

The compiler Mysore Gazette for publication in Part-III of the Mysore Gazette in English and Kannada and to forward 200 spare copies in English and 200 in Kannada to this office and 200 a similar number to the curator, Govt Central Book Depot, Bangalore.

Memo No J 2410 & 20/12/1914.

Copies to the Registrar Chief Court with reference to his letter No 1806 dated 3/11/13

B. O.

J 2411-8 & 20/12/14 for Secretary to Govt.

Copies to the Dy commrs of Districts.

B. O.

for Secretary to Govt

Copy by HR
FC 18/2